

## Chapter 5-6 Miscellaneous Offenses

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Adopted by Ordinance No. 4654. Derived from Ordinance Nos. 4543, 4611, 4627.

### 5-6-1 Unreasonable Noise.

Repealed.

Ordinance Nos. 5660 (1994); 7151 (2001); 7349 (2004); 7358 (2004).

### 5-6-2 Excessive Sound Levels.

Repealed.

Ordinance Nos. 4981 (1986); 5206 (1989); 5271 (1990); 5821 (1996); 5930 (1997); 7083 (2000); 7152 (2001); 7358 (2004).

### 5-6-3 Unlawful Use of Vehicles as Residence.

No person shall occupy a vehicle upon any city street or streets or other public property if any of the purposes for such occupation is to use the vehicle as a permanent or temporary residence. Sleeping overnight upon any city street once in any seven-day period does not constitute use of the vehicle as a temporary residence.

Ordinance No. 5546 (1993).

### 5-6-4 Hotel and Motel Registration.

(a) No person who manages or keeps a hotel, motel, boarding house, rooming house, or lodging house in the city shall fail:

(1) To keep a book in which shall be registered shortly after arrival the name and residence address of each transient guest and, if the guest is traveling in a motor vehicle, the license number and owner of such motor vehicle;

(2) To number the rooms available for transient guests;

(3) To record the number of the room occupied by any such guest in such register; and

(4) To maintain such register for three years and open it for inspection at all times to all federal, state, and local peace officers.

(b) No person shall register in other than such person's true name or by the name by which such person is generally known.

#### 5-6-5 Juvenile Curfew.

(a) No person under sixteen years of age shall be or remain upon any public street, sidewalk, alley or any public place or right-of-way between 11:00 p.m. and 5:00 a.m., except as provided in subsection (b) of this section.

(b) In the following exceptional cases a minor may be or remain in a public place beyond the hours set forth in subsection (a) of this section:

(1) When accompanied by a parent or legal guardian, a person between eighteen and twenty-one years of age with written parental authorization, or a person twenty-one years of age or older with parental authorization;

(2) For one-half hour before or after employment hours when commuting directly to and from such employment and when carrying an employer's certification of time and place of employment;

(3) When conducting an errand directed by the parent or legal guardian;

(4) When returning home from events such as movies, theatre, or sporting events;

(5) Until 12:30 a.m. if the person is on the property or a sidewalk directly adjacent to a building in which such person resides or buildings immediately adjacent to the building in which such person resides; or

(6) When exercising First Amendment rights under the United States Constitution, such as the free exercise of religion, speech, and assembly.

(c) A police officer who has probable cause to believe that a child is in violation of this section shall take such child into custody and immediately contact the child's parent or guardian. If, after this contact, there is still probable cause to believe that the child was violating this section, the child shall be turned over to the custody of the juvenile authorities until a parent or guardian can take custody of the child.

(d) No parent or guardian shall permit or by inefficient control allow a violation of this section by a child in such person's custody or control.

#### 5-6-6 Fireworks.

(a) For purposes of this section the term "fireworks" means any article, device, or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation including without limitation the following articles and devices: toy cannons or toy canes in which explosives are used, blank cartridges, a balloon that requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, rockets, Roman candles, dayglow bombs, aerial shells, trick matches, torches, fountains, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. Excluded from this definition are fireworks used by railroads or other transportation agencies for signaling or illumination; blank cartridges used for theatrical performances, historical reenactments, signaling, or ceremonial purposes; and fireworks used by police officers, the armed forces of the United States, or the Colorado National Guard.

(b) No person shall take or carry any fireworks into any park, parkway, recreation area or open space or fire or explode any fireworks on any public or private property except after obtaining a permit for the supervised public display of fireworks as prescribed by the city fire prevention code, Chapter 10-8, "Fire Prevention Code," B.R.C. 1981.

(c) On residential property, each resident of such property who is present in the immediate vicinity when another person

attempts to fire or explode fireworks has an affirmative duty to take reasonable measures under the circumstances to prevent the firing or exploding and, if those fail to prevent the offense, to cooperate with investigating law-enforcement officers to identify the perpetrator of such act. Failure to discharge this duty shall render such a person a complicitor to the offense of firing or exploding the fireworks.

Ordinance Nos. 4879 (1984); 7083 (2000); 7358 (2004).

#### 5-6-7 Public Urination.

No person shall urinate or defecate while on the mall, in any city park within the city limits, on any property zoned for residential uses without the express permission of the owner, or within any portion of the city zoned for business, industrial, or public uses unless such voiding is made into a receptacle that has been provided for that purpose that stores or disposes of the wastes in a sanitary manner and that and that is enclosed from the view of the general public.

#### 5-6-8 Skateboards on Mall.

No person on the mall shall ride upon the mall any skateboard, skates, coaster, or other similar device.

#### 5-6-9 Projectiles on Mall.

(a) No person shall cast, throw, or propel any projectile on the mall. This prohibition includes, without limitation, throwing balls, boomerangs, bottles, darts, frisbees and other like devices, model airplanes, rocks, snowballs, and sticks.

(b) This section does not apply to a juggler if the juggler does not cast, throw, or propel a knife, including, without limitation, a knife with a blade three and one-half inches in length or less, or burning projectile or if the juggler is acting within the terms of a special entertainment permit issued under the provisions of Chapter 4-11, "Mall Permits and Leases," B.R.C. 1981.

#### 5-6-10 Camping or Lodging on Property without Consent.

(a) No person shall camp within any park, parkway, recreation area, open space, or other public or private property without first having obtained:

- (1) A permit from the city manager, in the case of city property;
- (2) Permission of the supervisory officer of other public property; or
- (3) Permission of the owner of private property.

(b) This section does not apply to any dwelling in the city, as defined by Section 5-1-1, "Definitions," B.R.C. 1981.

(c) For purposes of this section "camp" means to reside or dwell temporarily in a place, with shelter, and conduct activities of daily living, such as eating or sleeping, in such place. But the term does not include napping during the day or picnicking. The term "shelter" includes, without limitation, any cover or protection from the elements other than clothing. The phrase "during the day" means from one hour after sunrise until sunset, as those terms are defined in Chapter 7-1, "Definitions," B.R.C. 1981.

(d) Testimony by an agent of the persons specified in subsection (a) of this section that such agent is the person who issues permits or permission to camp or lodge upon property, that such agent has inspected the records concerning

permits, or that in the course of such agent's duties such agent would be aware of permission and that no such permit was issued or permission given is prima facie evidence of that fact.

Ordinance No. 7129 (2001).

#### 5-6-11 Inhaling Toxic Vapors.

(a) No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction, or dulled senses of nervous system, or possess, buy, or use any such substance for the purpose of violating or aiding another to violate this section. But this section does not apply to the inhalation of anesthesia for medical or dental purposes.

(b) As used in this section the term "toxic vapors" means the following substances or products containing such substances: alcohols (methyl, isopropyl, propyl, or butyl), aliphatic acetates (ethyl, methyl, propyl, or methyl cellosolve acetate), acetone, allyl isothiocyanate, nitrous oxide, benzene, carbon tetrachloride, cyclohexane, freons (freon 11 and freon 12), hexane, methyl ethyl ketone, methyl isobutyl ketone, naptha, perchlorethylene, toluene, trichloroethane, or xylene. Evidence that a container, or a similar container, if the label is missing, lists one or more of these substances is prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

Ordinance No. 5209 (1989).

#### 5-6-12 Fraudulent Identification Prohibited.

(a) No person shall possess any fraudulent identification.

(b) No person shall give any valid identification to another under circumstances where the person knows, or reasonably should know, that the identification is being given so that another will use it to identify him or herself as the person.

(c) An identification is a document or card issued for purposes of identification of the person, of the date and place of birth of the person, or of a license issued to the person, by any national, state, or local government and which gives the name and date of birth of a person, and includes, without limitation, a birth certificate, a driver's license, or an official identification card. An identification is fraudulent if it was validly issued, but for a person other than the possessor, or if it was validly issued, but has been altered, or if it is forged or counterfeited.

(d) A liquor licensee, or an employee of a liquor licensee, may seize and hold for evidence any fraudulent identification, if acting in good faith and upon probable cause to believe that the identification is fraudulent.

Ordinance No. 7129 (2001).

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